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Attorneys for Defendant M & R Capital Management, Inc.

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
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LOCAL 810 AFFILIATED PENSION FUND :  
and LOUIS SMITH, MICHAEL SMITH, ROY :  
BARNES, and PETER AJALAT, TRUSTEES :  
OF THE LOCAL 810 AFFILIATED PENSION :  
FUND :  
-----x

No. 08 CIV 0421(DMC)  
Cote, J.

and

UNITED WIRE, METAL & MACHINE  
PENSION FUND and LOUIS SMITH,  
THOMAS FEELEY, DONNA SANTORO,  
HARVEY MORGAN, ROBERT ZISKIN, and  
PETER AJALAT, TRUSTEES OF THE  
UNITED WIRE, METAL & MACHINE  
PENSION FUND,  
-----x

Plaintiffs,

v.

PRUDENTIAL FINANCIAL, INC., M&R  
CAPITAL MANAGEMENT, INC., ALAN  
STUART FIELDS, CITIGROUP GLOBAL  
MARKETS, INC., UBS INTERNATIONAL,  
INC., and WACHOVIA SECURITIES, LLC,  
-----x

Defendants.

JUN-02-2008 13:08

**STIPULATION AND ORDER OF  
DISMISSAL WITH PREJUDICE**

IT IS HEREBY STIPULATED AND AGREED between the parties, by  
their undersigned attorneys, that this action is dismissed with prejudice.

Dated: New York, New York  
May 30, 2008

PADUANO & WEINTRAUB LLP

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BARNES, IACCARINO, VIRGINIA,  
AMBINDER & SHEPHERD, PLLC

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258 Saw Mill River Road  
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(914) 592-3213

SO ORDERED:

Denise M. Cote  
Denise M. Cote  
United States District Judge

June 3, 2008